

Zoning Administrator Hearing

Minutes



**John S. Gendron
Hearing Officer**

January 27, 2009 – 1:30 p.m.

View Conference Room, 2nd Floor
55 North Center Street
Mesa, Arizona, 85201

Staff Present

Angelica Guevara
Tim Lillo
Mia Lozano-Helland
Tom Ellsworth

Others Present

Dan Brock
Dan & Lisa Foote
Ralph Pew
Randy Carter
Lance Willis

CASES:

Case No.:	ZA09-001TC
Location:	58 North Country Club Drive
Subject:	Requesting a Special Use Permit to allow development of a Comprehensive Sign Plan in the TCB-1 zoning district.
Decision:	Continued to the February 24, 2009 hearing.
Summary:	N/A
Finding of Fact:	N/A

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Case No.: ZA09-002

Location: 1051 North Stapley Drive

Subject: Requesting a Special Use and Substantial Conformance Improvement Permit (SCIP) to allow the development of an assisted living facility in the OS zoning district.

Decision: Approval with the following conditions.

- 1. Compliance with the site and landscape plans submitted, except as modified by the conditions below.*
- 2. The number, size, and placement of trees and shrubs shall be consistent with the landscape plan approved by Design Review Board case DR09-001.*
- 3. Compliance with all requirements of case Z08-73 and case DR09-001.*
- 4. Relocate parking lot light standards out of the landscape islands.*
- 5. Compliance with all requirements of the Building Safety division with regard to the issuance of building permits.*

Summary: Dan Brock represented the Special Use Permit and SCIP requests. Mr. Gendron discussed the request with the applicant and staff. Ms. Guevara provided a staff report and recommendation. Dan Foote, an adjacent neighbor asked questions about the phasing of the project, the proposed completion time for perimeter landscaping and the sale of automobiles from the property. A discussion followed regarding these issues. Ms. Guevara clarified that the property was not appropriately zoned to allow the sale of autos. Mr. Gendron approved the request as recommended in the staff report.

Finding of Fact:

- 1.1** The Substantial Conformance Improvement Permit (SCIP) allows the existing home with an addition to be converted into a 5,771 s.f. assisted living facility that will ultimately include the construction of a new 6,985 s.f. building providing a total of 23 rooms on an approximately 1.15 acre parcel. The SCIP facilitates the development without full compliance of current development standards. The parcel has been rezoned and has received site plan approval (Z08-73) and Design Review Board approval (DR09-01).
- 1.2** The site generally meets development requirements, with the exception of the setback from the street, the setback from the canal at the south property line, the separation between buildings, and the retaining wall within the retention basin.
- 1.3** The applicant will complete significant improvements to the property, including landscaping where none currently exists, as well as foundation base.
- 1.4** While the building and landscape setback adjacent to Stapley Drive is less than half that required by current Code, landscaping will provide the illusion of greater depth, compensating for a

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narrower setback. Current Code requires 14 trees and 41 shrubs within the landscape setback and the applicant is required to work with staff to select a tree species to replace the proposed Mondel Pine as a condition of Design Review approval DR09-001 (Condition 1a).

- 1.5** The building and landscape setback adjacent to the south property line is 10' where 15' is required, the 12 trees and 50 shrubs required by current Code will provide the illusion of greater depth to compensate for the narrower setback.
- 1.6** The separation between buildings is 14'-2", which is less than the 25' required by code. The space area is provided at the back of the existing building, the reduction in building separation is justified.
- 1.7** A 2'-6" deep retaining wall is along 42% of the perimeter of the retention basin proposed behind the new building where an 18" deep retaining wall is allowed along 25% of the perimeter of the retention basin. The basin is located in an area behind the building that is not visible from the street or the parking area and adjacent to the rear property line where a 6' high masonry screen wall will screen it from the adjacent properties.
- 1.8** This development qualifies for a Substantial Conformance Improvement Permit, as demolition of the existing building and some site improvements will occur to bring the site into full compliance. The site improvements will generally exceed that of adjacent properties. Further, the landscape setback and landscaping will enhance the streetscape along Stapley Drive. As a result, the proposed site plan, including the recommended conditions of approval, achieves substantial compliance.
- 1.9** The development is consistent with the General Plan designation of Medium-Density Residential 2-4 du/acre, and is an allowed use in the O-S zoning district subject to the granting of a Special Use Permit. The deviations are necessary to accommodate the development and are commensurate with or exceed the conformance of similar uses in the vicinity. The project presents a reasonable use for a converted single family residence and has been designed to maintain a residential character while meeting the intent of the Design Guidelines. Consequently, the site plan, including staff recommended conditions of approval, represents compliance with the intent of the development standards of the Zoning Ordinance.
- 1.10** As part of the Rezone and Site Plan Approval process, the applicant held two neighborhood meetings and provided information about the proposal. At the first meeting, five citizens were in attendance and at the second meeting, no citizens attended. Staff also received a phone call from a citizen concerned about the flooding in the area. The site is located within a flood plain and the applicant's engineer has stated that the improvements to the site are designed to retain run-off on-site, therefore, no impact to the adjacent properties is expected. During the Planning and Zoning Board hearing one neighbor expressed a concern with the potential for a future second story addition. The applicant assured the board that it was neither in their business plan nor practical to have a two-story assisted living facility. The Planning and Zoning Board recommended approval to the City Council with a stipulation that requires any future modifications to the site including a second story to go back to through the public hearing process for approval.

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- 1.11** The buildings are one-story in height and are designed with a residential character and the buildings meet or exceed the required building setback from adjacent residential properties. The subject site is located on Stapley Drive and will not generate a noticeable increase in traffic on Stapley Drive and very little increase on surrounding neighborhood roads. Given the nature of the use, the noise impact is anticipated to be minimal. Consequently, the proposed use will be compatible with and not detrimental to surrounding properties.

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Case No.: ZA09-003

Location: 513 South Morris

Subject: Requesting a Substantial Conformance Improvement Permit to allow the development of a general industrial use in the M-1 zoning district.

Decision: Approved with the following conditions:

1. *Compliance with the site plan submitted.*
2. *Compliance with all requirements of the Building Safety Division with regard to the issuance of building permits.*

Summary: Ralph Pew and Randy Carter represented the Special Use Permit and SCIP requests. Mr. Gendron discussed the request with the applicant and staff. Ms. Guevara provided a staff report and recommendation. Mr. Pew summarized and provided justifications for the deviations requested. Mr. Gendron approved the request as recommended in the staff report.

Finding of Fact:

- 1.1 The applicant has converted a residential property into a light industrial property for the operation of an air conditioning company. This site is the subject of a request for a Minor General Plan Amendment to change the land use designation for the site to Light Industrial from Community Commercial, the request also included a rezone from R-2 to M-1 with a Site Plan Review. The Planning and Zoning Board reviewed this request, for zoning case Z08-72 and GpMinor08-14 at their December 18, 2008 meeting. The Board unanimously recommended approval of the general plan amendment, rezoning request and site plan. The zoning case and general plan amendment were approved by the City Council on January 26, 2009.
- 1.2 The applicant has already completed significant improvements to the site in the form of improved landscaping, paving, and remodeling of the building. These improvements have not only improved the quality of development on the site but have served to improve the character of the surrounding properties in general.
- 1.3 The improvements to the site as well as the change of land use are indicative of the changing nature of the surrounding neighborhood. The character of the neighborhood has been changing overtime from residential uses to industrial and commercial uses. This property is an example of that change. Although there is still some residentially zoned (R-2) properties within the surrounding context of the site most of these properties have already transitioned to a more industrial nature. It is anticipated that this request will set an example of how improvements can be made in this area to legitimize the transitioning land uses.
- 1.4 The approval including several modifications to the Zoning Code in order to legitimize the redevelopment of this site.
- 1.5 The site, as it is currently constructed, is essentially a screened storage yard. The site has an

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existing office building two existing storage buildings. The site to west is zoned M-1 and has buildings constructed to the property line. The property to the south is a parking lot/storage yard for a commercial use zoned C-3.

- 1.6** Although there are existing residential uses across the street, the nature of Morris Street has converted over the years to the point where residential uses are the exception to the norm. Staff anticipates that this request will be the first in many requests to bring surrounding properties into substantial conformance with the zoning code.

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There being no further business to come before the Zoning Administrator, the hearing adjourned at 2:20 p.m.

The cases for this hearing were digitally recorded and are available upon request.

Respectfully submitted,

John S. Gendron
Hearing Officer